



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II BUILDING, 7TH FLOOR
ROUTE 165 GUAYNABO, PUERTO RICO 00968

August 25, 2020

Via Electronic Mail To: nicole@sachschemical.com

Docket No. F-02-2020- 5059

Ing. Nicole Ortega
Quality Manager
Sachs Chemical, Inc.
Rd 175 Km. 0.2,
Rio Canas Industrial Park
Caguas, PR 00725

Re: NOTICE OF REFUSAL OF ADMISSION
Import of Unregistered Pesticides, Entry No. EWV-10633391

Dear Ing. Ortega:

In connection with the enforcement of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA" or the "Act"), as amended, 7 U.S.C. § 136 *et seq.*, the United States Environmental Protection Agency ("EPA") has examined evidence concerning the shipment described below:

Product Names: SANISOL CR80E-bactericide and strong sterilizer (Quaternary Ammonium Compounds, Benzylcoco, Alkyldimethyl, Chlorides)

Importer: Sachs Chemicals, Inc.

Entry Number: EWV-10633391

Bill Number: HLCUME3200619897

Arrival Date: 07/20/2020

Entry File Date: 07/20/2020

Port of Entry: 4909, San Juan/Puerto Rico

Units: 70 Drums of SANISOL CR80E - 190 kgs each one

You were previously notified via a Notice of Detention and Hearing dated August 6, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. The product in this shipment is not a registered pesticide. The August 6 Notice afforded you an opportunity to explain why the shipment should not be destroyed or refused entry.

On July 31, 2020, you forwarded EPA a letter from the supplier, Quimi-Kao, S.A. de C.V. Mexico. Said letter declared that the product under the commercial name SANISOL CR80E sold to SACHS CHEMICALS INC., contains the following active ingredients: quaternary ammonium compounds, benzylcoco alkyldimethyl, and chlorides. The letter further states that the product is used as raw material to elaborate sanitizing products.

Through email dated August 11, 2020, you explained that Sachs Chemical, Inc. sells the product SANISOL CR80E to customers for use in the elaboration of their products. The August 11th email included a letter from Laser Products, Inc. The letter certifies that Laser Products, Inc. uses the product SANISOL CR80E, which is supplied by Sachs Chemical, “as a preservative.” The letter adds that SANISOL CR80E does not have a disinfectant claim. However, SANISOL CR80E, as specified in the Safety Data Sheet provided by Sachs Chemicals, Inc. is listed for use as a disinfectant. No material demonstrating that the product in the shipment is in compliance with the Act and eligible for entry has been submitted to EPA.

Pursuant to 40 C.F.R. 152.15, a substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if:

- (a)** the person who distributes or sells the substance claims, states, or implies (by labeling or otherwise):
 - (1)** that the substance (either by itself or in combination with any other substance) can or should be used as a pesticide; or
 - (2)** that the substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide.

The product SANISOL CR80E is an “antimicrobial pesticide” within the meaning of Section 2(mm) of FIFRA, 7 U.S.C. § 136(mm).¹ Your product therefore requires registration pursuant to Section 3(a) of FIFRA, 7 U.S.C. § 136a(a), to be lawfully distributed and sold in the United States. Also, you can refer to 40 C.F.R. § 152.15, which specifies pesticide products required to be registered.

Since no material demonstrating that the shipped products are registered under FIFRA § 3(a), 7 U.S.C. § 136a(a) has been submitted, the shipment’s distribution into the U.S. was in violation of FIFRA § 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), and it must be refused admission. EPA therefore hereby notifies you that your merchandise has been refused admission. You must export or dispose of this merchandise, under supervision of the U.S. Customs and Border Protection (“CBP”) within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released, in any action necessary to enforce the authority under FIFRA.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for complying with this notice, while still ensuring that EPA receives the information it needs to timely confirm your company’s compliance with FIFRA; such consideration does not extend to allowing the shipment and distribution of unregistered products into the United States.

¹ Pursuant to 7 U.S.C. § 136(mm) the term “antimicrobial pesticide” is defined as a pesticide that is intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms.

If you have any questions, please contact Lizette Lugo at (787)977-5833, or lugo.lizette@epa.gov.

Sincerely,

Carmen R. Guerrero Pérez
Director
Caribbean Environmental Protection Division

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